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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 22, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 4:15-CR-6049-EFS-11

Plaintiff,

v.

SALVADOR GUDINO CHAVEZ,

Defendant.

**ORDER GRANTING
DEFENDANT'S MOTION TO
EXTEND SENTENCING
DEADLINES**

USPO Action Required

Before the Court, without oral argument, is Defendant Salvador Gudino Chavez's Motion for Extension of Time to File Sentencing Documents, ECF No. 1145, and related Motion to Expedite, ECF No. 1146. Counsel for Mr. Chavez, Lupe Rodriguez, requests an extension of the sentencing filing deadlines and avers that the Government's Counsel, Stephanie Van Marter, does not oppose this request. *Id.* Defendant has previously moved to continue this sentencing three times.

I. PROCEDURAL HISTORY

The Government filed the Second Superseding Indictment on December 6, 2016, charging Mr. Chavez with the following: Count 1, conspiracy to distribute 500 grams or more of methamphetamine, 5 kilograms or more of cocaine, 1 kilogram or more of heroin, and 400 grams or more of N-phenyl-N Propanamide, in violation of

1 21 U.S.C. § 841(a)(1), all in violation of 21 U.S.C. § 846; and Count 2, conspiracy to
2 commit money laundering in violation of 18 U.S.C. § 1956(h). ECF No. 105. On May
3 8, 2018, Defendant pleaded guilty to Count 2. ECF No. 769. The Court set sentencing
4 for September 25, 2018. ECF No. 770. On August 22, 2018, the U.S. Probation Office
5 filed a draft presentence investigation report. ECF No. 855. On September 19, 2018,
6 the Court reset Mr. Chavez' sentencing hearing to October 30, 2018 pursuant to a
7 request by defense counsel. ECF No. 882. On November 11, 2018, the Court again
8 reset Mr. Chavez' sentencing hearing to December 4, 2018. ECF No. 1006. On
9 November 19, 2019, the U.S. Probation Office filed the Presentence Investigation
10 Report, Addendum, and Recommendations. ECF Nos. 1022–1024. The United states
11 filed their sentencing recommendations on November 20, 2019. ECF No. 1028. On
12 November 27, 2018, the Court for a third time granted Mr. Chavez' request to
13 continue sentencing to March 11, 2019. ECF No. 1038.

14 Defense Counsel states that he needs an extension to February 25, 2019 to
15 turn in his sentencing objections and memorandum because the family emergency
16 he suffered in October 2018 continues to take much of Defense Counsel's time. ECF
17 No. 1045. Defendant's objections were due on February 4, 2019. ECF No. 1038.
18 Defendant submitted his request for an extension 17 days after his objections were
19 due. *See id.* Defense counsel asserts that Ms. Van Marter has no objection to
20 continuing sentencing. ECF No. 1045. Probation has notified the Court that the
21 multiple continuances and late extension request are straining their staff. However,
22

1 Probation will be able to complete their updated recommendations and presentence
2 investigation report if Mr. Rodriguez submits his materials by February 25, 2019.

3 **II. CONTINUANCE GRANTED: AMENDED SENTENCING SCHEDULE**

4 Having reviewed the pleadings and the file in this matter, the Court is fully
5 informed and grants the late request for an extension. The Court is compelled to do
6 so because failing to grant the extension would deprive the Defendant of having an
7 adequate defense presented at his sentencing hearing. Counsel and the U.S.
8 Probation Office are expected to ***carefully read and abide by this Order*** and such
9 provisions of the prior Order Regarding Schedule for Sentencing, ECF No. 770, that
10 have not been superseded hereby. **The Court will not grant another extension**
11 **or continue the sentencing hearing.**

12 **IT IS HEREBY ORDERED:**

- 13 1. The Defendant's Motion for an Extension of Time to File Sentencing
14 Documents, **ECF No. 1145, is GRANTED.**
- 15 2. The Defendant's Motion to Expedite, **ECF No. 1146, is GRANTED.**
- 16 3. **Counsel** shall **COMMUNICATE IN WRITING** to the probation office
17 any objections to the presentence investigation report by no later than
18 **Monday, February 25, 2019.**
- 19 4. **Counsel** shall **FILE AND SERVE** all motions and memoranda
20 pertaining to Defendant's sentence, including motions for downward or
21 upward departures and/or variances, by no later than **Monday,**
22 **February 25, 2019.**

5. The U.S. Probation Office shall file the finalized presentence investigation report and sentencing recommendations to the Court by no later than **Monday, March 4, 2019**.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order under seal and to provide copies to counsel and the U.S. Probation Office.

DATED this 22nd day of February 2019.

s/Edward F. Shea
EDWARD F. SHEA
Senior United States District Judge